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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.\
10/038,405	01/03/2002	Brian Taylor	22866-013	8361
35437	7590 10/05/2004		EXAM	INER
MINTZ LEV 666 THIRD A	IN COHN FERRIS C	LANEAU, RONALD		
NEW YORK, NY 10017			ART UNIT	PAPER NUMBER
•			3627	

**DATE MAILED: 10/05/2004** 

Please find below and/or attached an Office communication concerning this application or proceeding.

. X	Application No.	Applicant(s)
	10/038,405	TAYLOR ET AL.
○ Office Action Summary	Examiner	Art Unit
	Ronald Laneau	3627
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tir y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. (D) (35 U.S.C. § 133).
Status		
Responsive to communication(s) filed on <u>03 Ja</u> This action is <b>FINAL</b> . 2b)⊠ This     Since this application is in condition for alloware closed in accordance with the practice under E	action is non-final.  nce except for formal matters, pro	
Disposition of Claims		
<ul> <li>4)  Claim(s) 1-20 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdraw</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-20 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/o</li> </ul>	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine	er.	
10)☐ The drawing(s) filed on is/are: a)☐ acc	epted or b)  objected to by the	Examiner.
Applicant may not request that any objection to the		
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	* * * * * * * * * * * * * * * * * * * *	*
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s)	A) 🗖 I=+== i=	(PTO 442)
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04152002</u>.</li> </ol>	4)  Interview Summary Paper No(s)/Mail D  5)  Notice of Informal F  6)  Other:	

## DETAILED ACTION

1. Claims 1-20 are presented for examination.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aggarwal et al (US 6,728,706 B2) in view of Jacobs (US 2002/0194074 A1)

Aggarwal et al teach a method of optimizing a value associated with a characteristic of a product stored in a first field of a security database of a self-checkout system at an optimizing time, said security database also including a second field for storing identification information for said product, a third field for storing a last time when said value was last updated and a fourth

Application/Control Number: 10/038,405

Art Unit: 3627

field for storing at least one new value for said characteristic stored in said fourth field between said last time and said optimizing time (plurality of fields is equivalent to a first, second, third and fourth field and each field can store any of the followings: optimizing time, identification, last update value, new value) (col. 3, line 66 to col. 4, line 9), said value being used in a comparison to a second value associated with said characteristic and detected in a security area of said self-checkout system during a purchasing transaction (col. 4, lines 3-13), said comparison used as a security measure to confirm that a product placed in said security area during said purchasing transaction is the same product identified by said system after said system identifies said product via identification information input by a user of said system (col. 8, lines 41-48). Aggarwal et al further teach providing a database of records wherein each of said records includes a plurality of values of fields containing respective field values which characterize said products, obviously teach the time difference between the optimizing time value and the last time value (col. 3, lines 66 to col. 4, line 2), revising said value for each product in said query result using said new value (col. 4, lines 10-31), a method wherein said physical characteristic comprises weight of said product (col. 3, lines 39-45), a storage device 562 to store all attributes for all products (see fig. 5)

Aggarwal et al do not teach a self-checkout system but Jacobs teaches a self-checkout system including the steps of: querying said database for products that includes comparing each of the search term to keywords associated with each product (page 3, [0054], lines 1-13), an auditory characteristic to identify an item when scanned (page 8, claim 19). Neither Aggarwal et al nor Jacobs teach a length and a height characteristics but it is a characteristic part of their

combined system since it would provide accuracy in identifying each item scanned into the system.

It would have been obvious to one of ordinary skill in the art to utilize the self-checkout system as taught by Jacobs into the system of Aggarwal et al because it would allow a customer to not only search for item to purchase but to actually finalize the transaction by self-checking out said items and also saving time during the process.

As per claim 11, neither Aggarwal et al nor Jacobs explicitly teach a predetermined amount of new values that is between 2-100 but the new found value is intrinsic to each product scanned into the system and whether said value falls within that particular range will depend on the products' attributes.

## Conclusion

- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - Persky (US 2003/0217892 A1) teaches a customized checkout system.
  - Sadler (US 6,089,454) teaches a method and apparatus for checking out items which do
     not have a record corresponding thereto stored in a master product database.
  - Brenhouse (US 6,550,583 B1) teaches an apparatus for self-serve checkout of large order purchases.

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. Art Unit: 3627

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau Examiner Art Unit 3627